

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 775X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN CLARK, FLOYD,  
LAWRENCE, ORANGE, & WASHINGTON COUNTIES, IND.

Decided: February 14, 2018

On December 19, 2017, CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. § 1152 subpart F—Exempt Abandonments to abandon an approximately 62.3-mile rail line on its Northern Region, Louisville Division, Hoosier Subdivision between milepost 00Q 251.7, near Bedford, and milepost 00Q 314.0, near New Albany, in Clark, Floyd, Lawrence, Orange, and Washington Counties, Ind. (the Line). On January 8, 2018, notice of the exemption was served and published in the Federal Register (83 Fed. Reg. 936).

On February 5, 2018, Paul Didelius filed a supplemental notice of intent to file an offer of financial assistance (OFA) to purchase an approximately 32.3-mile segment of the Line between milepost 00Q 251.7 near Bedford, and approximately milepost 00Q 284.0 near Salem, Ind.<sup>1</sup> CSXT filed a motion to reject Mr. Didelius' notice of intent on February 8, 2018. On February 13, 2018, Mr. Didelius filed a reply to CSXT's motion.

In his February 5, 2018 submission, Mr. Didelius provides, as demonstration of his preliminary financial responsibility, a summary of terms and conditions for a \$1,500,000 revolving line of credit from KeyBank dated August 17, 2016. Given that this statement is nearly 18 months old and there is no indication of the current status of the line of credit, including how much credit presently is available to purchase a rail line, the Board will direct Mr. Didelius to further supplement his notice of intent to file an OFA to enable the Board to make its determination concerning his preliminary financial responsibility.

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<sup>1</sup> The Board determined that Mr. Didelius' original notice of intent, filed on January 16, 2018, and amended on January 18, 2018, did not comply with the Board's current requirements at 49 C.F.R. § 1152.27(c)(2)(i), but gave him additional time to supplement his notice of intent to comply with the Board's regulations. CSX Transp.—Aban. Exemption—in Clark, Floyd, Lawrence, Orange & Washington Ctys., Ind., AB 55 (Sub-No. 775X), slip op. at 2 (STB served Jan. 26, 2018).

It is ordered:

1. Mr. Didelius shall have until February 20, 2018, to provide a statement of account dated within 30 days of the date of submission demonstrating the status of the KeyBank line of credit, including the amount of credit presently available to purchase a rail line. In the alternative, Mr. Didelius may submit a verified statement attesting to the current status of the KeyBank line of credit, including the amount of credit presently available to purchase a rail line. If no such supplement is provided, this exemption will be effective on March 12, 2018, unless stayed pending reconsideration.

2. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.